

ASSEMBLY BILL

No. 1009

Introduced by Assembly Member Pavley

February 20, 2003

An act to amend Section 97 of the Streets and Highways Code and Section 627 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1009, as introduced, Pavley. Vehicles: violations: engineering and traffic surveys.

Existing law, until January 1, 2004, requires the Department of Transportation, in consultation with the Department of the California Highway Patrol, to develop specified pilot projects to designate and identify certain highway segments as "Safety Enhancement-Double Fine Zones" and impose increased fines for traffic violations occurring within these zones.

This bill would require the department to develop a pilot project for the segment of the Pacific Coast highway within the jurisdictional limits of the City of Malibu.

Existing law defines an engineering and traffic survey to be a survey of highway and traffic conditions in accordance with methods determined by the Department of Transportation, and lists factors that must be included in a survey.

This bill would require the department to, in addition to the existing factors, consider other specified factors, when conducting an engineering and traffic survey for the segment of the Pacific Coast highway within the jurisdictional limits of the City of Malibu.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 97 of the Streets and Highways Code is amended to read:

97. (a) The department, in consultation with the Department of the California Highway Patrol, shall develop pilot projects in both northern and southern California. The portions of the highways involved in the projects shall be designated and identified as “Safety Enhancement-Double Fine Zones” and shall be in the following locations:

(1) On Route 37, between the intersection with Route 121 and the intersection with Route 29.

(2) On Route 4, between the city limits of Brentwood and the Contra Costa-San Joaquin county line.

(3) On Route 74, at both of the following locations:

(A) Between the intersection with Route 5 and the intersection with the Riverside-Orange county line.

(B) Between the junction with Route 15 and the intersection with Seventh Street in the City of Perris.

(4) On Route 46, between the intersection with Route 101 and the junction with Route 41.

(5) On the Golden Gate Bridge.

(6) On Route 12, between the intersection with Walters Road in the City of Suisun and the intersection with Lower Sacramento Road in the City of Lodi.

(7) On Route 138, between the intersection with Avenue T and Pearblossom Highway and the intersection with Interstate Highway Route 15.

(8) On Route 101, at both of the following locations:

(A) Between the intersection with Boronda Road and the intersection with the San Benito-Monterey county line.

(B) The five-mile segment between the Eureka Slough Bridge No. 4-22 to the Gannon Slough Bridge No. 4-24 in Arcata.

(9) On Route 152, between the junction with Route 156 at the Don Pacheco “Y” and the intersection with Ferguson Road.

(10) On Route 2, between the city limits of La Canada Flintridge and the intersection with Route 39.

(11) *On the Pacific Coast highway within the jurisdictional limits of the City of Malibu.*

(b) (1) The department shall adopt rules and regulations prescribing uniform standards for warning signs to notify motorists that, pursuant to Section 42010 of the Vehicle Code, increased penalties apply for traffic violations that are committed within Safety Enhancement-Double Fine Zones. The rules and regulations adopted by the department shall include, but not be limited to, a requirement that Safety Enhancement-Double Fine Zones be identified with signs stating: "Special Safety Zone Begins Here" and "Special Safety Zone Ends Here."

(2) The department or local authorities, with respect to highways under their respective jurisdictions, shall place and maintain the warning signs specified in paragraph (1) in areas designated under subdivision (a).

(3) The department shall report to the Legislature on January 1, 2003, on the results of these pilot projects with the exception of those described in paragraph (2) of, and subparagraph (B) of paragraph (8) of, subdivision (a), including a determination of whether the projects were successful. In its report, the department shall update the January 1, 1998, report, and shall provide a detailed analysis on the impact of the pilot projects on highway safety, including, but not limited to, the number of accidents, traffic injuries, and fatalities in the project areas; and, in consultation with the Department of the California Highway Patrol, recommend specific criteria for designation of a highway as a Safety Enhancement-Double Fine Zone. A determination that the projects were successful shall be based upon a showing that a statistically significant decrease in the number of accidents, traffic injuries, and fatalities has occurred in the project areas. The department shall report to the Legislature on or before January 1, 2004, on the results of the pilot projects described in paragraph (2) of, and subparagraph (B) of paragraph (8) of, subdivision (a).

(c) Designation of a highway as a Safety Enhancement-Double Fine Zone does not increase the civil liability of the state under Division 3.6 (commencing with Section 810) of Title 1 of the Government Code or any other provision of law relating to civil liability.

(d) (1) Only the base fine shall be enhanced pursuant to this section.

(2) Notwithstanding any other provision of law, any additional penalty, forfeiture, or assessment imposed by any other statute

1 shall be based on the amount of the base fine before enhancement
2 or doubling and shall not be based on the amount of the enhanced
3 fine imposed pursuant to this section.

4 (e) The pilot projects specified in subdivision (a) shall not be
5 elevated in priority for state funding purposes.

6 (f) (1) Subject to paragraph (3), the County of Monterey, in
7 consultation with the Department of the California Highway
8 Patrol, shall establish and administer a Safety
9 Enhancement-Double Fine Zone pilot project that meets all of the
10 requirements of this section on County Road 16 (also known as
11 Carmel Valley Road) between the junction with Route 1 and the
12 junction with Camp Stefani Road. The county shall assume all
13 responsibilities that would otherwise accrue to the department for
14 the administration of a pilot project under this section and shall
15 administer the pilot project in accordance with the rules and
16 regulations adopted by the department for the administration of a
17 Safety Enhancement-Double Fine Zone.

18 (2) The county, in consultation with the California Highway
19 Patrol, shall coordinate the evaluation of the Carmel Valley Road
20 pilot project with the department to enable inclusion of that
21 evaluation in the report submitted by the department to the
22 Legislature under paragraph (3) of subdivision (b).

23 (3) (A) The county shall submit the evaluation described in
24 paragraph (2) to the department on or before January 1, 2004.

25 (B) If the county fails to submit the evaluation on or before
26 January 1, 2004, that failure shall result in the immediate
27 termination of the Carmel Valley Road pilot project authorized in
28 this subdivision.

29 (g) This section shall remain in effect only until January 1,
30 2004, and as of that date is repealed, unless a later enacted statute,
31 which is enacted before January 1, 2004, deletes or extends that
32 date.

33 SEC. 2. Section 627 of the Vehicle Code is amended to read:

34 627. (a) "Engineering and traffic survey," as used in this
35 code, means a survey of highway and traffic conditions in
36 accordance with methods determined by the Department of
37 Transportation for use by state and local authorities.

38 (b) An engineering and traffic survey shall include, among
39 other requirements deemed necessary by the department,
40 consideration of all of the following:

1 (1) Prevailing speeds as determined by traffic engineering
2 measurements.

3 (2) Accident records.

4 (3) Highway, traffic, and roadside conditions not readily
5 apparent to the driver.

6 (c) When conducting an engineering and traffic survey, local
7 authorities, in addition to the factors set forth in paragraphs (1) to
8 (3), inclusive, of subdivision (b) may consider all of the following:

9 (1) Residential density, if any of the following conditions exist
10 on the particular portion of highway and the property contiguous
11 thereto, other than a business district:

12 (A) Upon one side of the highway, within a distance of a quarter
13 of a mile, the contiguous property fronting thereon is occupied by
14 13 or more separate dwelling houses or business structures.

15 (B) Upon both sides of the highway, collectively, within a
16 distance of a quarter of a mile, the contiguous property fronting
17 thereon is occupied by 16 or more separate dwelling houses or
18 business structures.

19 (C) The portion of highway is longer than one-quarter of a
20 mile, but has the ratio of separate dwelling houses or business
21 structures to the length of the highway described in either
22 subparagraph (A) or (B).

23 (2) Pedestrian and bicyclist safety.

24 (d) *When conducting an engineering and traffic survey for the*
25 *Pacific Coast highway within the jurisdictional limits of the City*
26 *of Malibu in Los Angeles County, the Department of*
27 *Transportation, in addition to the factors set forth in paragraphs*
28 *(1) to (3), inclusive, of subdivision (b), shall consider all of the*
29 *following:*

30 (1) *Pedestrian and bicyclist safety.*

31 (2) *Visual and nonmotorized distractions.*

32 (3) *The presence and use of public beaches, parking lots, and*
33 *on-street parking.*

34 (4) *Frequency of left-hand turns or u-turns.*

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